REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-7, 9, 11-17, 19, 21-27 and 29 are pending in this application. Claims 1, 11, and 21 are independent and are hereby amended. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification.

Claim 8 is withdrawn without prejudice or surrender of subject matter as directed to a non-elected species.

Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

III. REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 1-7, 9, 11-17, 19, 21-27 and 29 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Application Publication No. US 2002/0057894 A1 to Ishige (hereinafter, "Ishige") in view of PCT App. No. PCT/US93/05780 (International Publ. No. WO 94/03851) of Kellner et al. (hereinafter, "Kellner").

Applicant respectfully traverses this rejection.

Claim 1 is representative and recites, *inter alia*:

> "a position calculator for . . . determining whether the current clip remaining read duration is less than or equal to the difference between the current clip remaining reproduction duration and a next clip reproduction preparation duration;
> . . .
> a selector for selectively outputting said second data read . . . until the completion of said preparations for outputting said first data is detected." (Emphasis added)

In an aspect of the present invention, video clips are stored on a recording medium in both first (high) resolution and second (low) resolution. When the video clips are reproduced, the data are selected so the low resolution data is reproduced first until the high resolution data is ready for reproduction. The data ready flag is a signal that the high resolution data are prepared for reproduction. *See, for example,* Publ. App. pars. [0086]-[0087], [0125], FIGS. 4, 5, 7, and 8 and elsewhere.

Thus, the position calculator, which is not found in the cited references, determines when the high resolution data is prepared for reproduction and, in turn, causes the data ready flag to be set. *See, for example,* Publ. App. par. [0135].

Claim 1 recites a specific way in which the position calculator determines when the high resolution data is prepared. The clip start (in-point) and end time (out-point), which may be recorded on an EDL, for example are used. However, as distinguished from the cited art, the position calculator only uses those times on which to base the specific calculation for determining the high resolution data prepared time as described in the as-filed specification and recited in claim 1, as follows.

In response to a user request for reproduction, the controller reproduces low-resolution data from a reproduction starting position. The position controller reproduces the low-resolution data until the higher-resolution (main-line) data are prepared for reproduction. Publ. App. par. [0135].

The position calculator determines the current clip read ending position/next clip read starting position and calculates a current clip remaining reproduction duration Ts, a next clip reproduction preparation duration Tn, and a current clip remaining read duration Tc. FIG. 14 illustrates how the current clip remaining reproduction duration Ts, the next clip reproduction preparation duration Tn, and the current clip remaining read duration Tc are related to one another. Publ. App. pars. [0177]-[0178] and FIGS. 13, 14.

The current clip remaining reproduction duration Ts represents the duration from the present time until the reproduction of the remaining main line data in the current clip comes to an end. In other words, the current clip remaining reproduction duration Ts also denotes the duration from the present time until the display of the next clip is to be started. The next clip reproduction preparation duration Tn denotes the duration from the time the preparations for reproducing the main line data from the next clip #N are started until the preparations are completed. Publ. App. pars. [0179]-[0180].

The position controller determines the current clip remaining reproduction duration Ts, the next clip reproduction preparation duration Tn, and the current clip remaining read duration Tc. The position controller determines whether the current clip remaining read duration Tc is equal to or less than a duration Ts-Tn, that is, the duration obtained by subtracting the next clip reproduction preparation duration Tn from the current clip remaining reproduction duration Ts.

When the current clip remaining read duration Tc is found to be equal to or less than the duration Ts-Tn, that means it is possible to start reading the next clip after reading to the end the main line data from the current clip, in time to the output of the first main line video data from the next clip before the time to reproduce the main line video data is reached. In that case, the position controller obtains as the current clip read ending position the frame (last frame) in which is set the out-point of the last carton of the current clip.

Alternatively, when the position controller determines the first frame of the main line data to be reproduced from the next clip is the picture B1 or B2 and whether a remaining duration Ts-Tn-Tc, i.e., the duration obtained by subtracting the next clip reproduction preparation duration Tn and current clip remaining read duration Tc from the current clip remaining reproduction duration Ts, is equal to or longer than a decode completion duration required to complete the decoding of the preceding one GOP then the position controller obtains as the next clip read starting position the picture I3 of the GOP preceding the GOP having the first frame (picture B1 or B2) of the main line data to be reproduced from the next clip.

The Office Action at page 4 (continuing onto page 5) points to Ishige pars. [0041]-[0044] and Claims 1-9 for the above recited feature of claim 1. However, there is no disclosure in Ishige of the recited element.

Applicant asserts there is no suggestion the controller (2) of Ishige is performing the function recited in claim 1. That is, there is no teaching or suggestion in Ishige of, "a position calculator for . . . determining whether the current clip remaining read duration is less than or equal to the difference between the current clip remaining reproduction duration and a next clip reproduction preparation duration."

Kellner does not add the elements missing from Ishige as described above.

Therefore, Applicant submits that claim 1 is patentable over Ishige and Kellner because those references taken alone or in combination do not teach or suggest each and every element recited in the claim.

For similar reasons as those described above, claims 11 and 21 are also patentable.

IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Claims 1-7, 9, 11-17, 19, 21-27 and 29 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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